

Want to have your say on ACT human rights?

If you live in the ACT, you can join the process by signing a petition: 500 signatures were needed, a figure reached on 26 Oct 2021. [ACT Legislative Assembly - Current e-Petition](#)

If you sign it, the Legislative Assembly will tell you when its holding an inquiry into future ACT Human Rights, and you can put your 10-cents worth in., and keep an eye on what's happening.

Oz needs ICAC with teeth, Human Rights Act

Every week, a new federal issue emerges which proves the need for an ICAC and a HRA. Recently, the federal government

- stopped Independents having a customary e-vote in Parliament, tilting the numbers against a Privileges committee investigation of former Attorney-General and ex-Minister Christian Porter for his windfall \$1m "pig ignorance" trust. (Some call it a "blind" trust, but that is not accurate: Porter claims to have no access to information about the source of the funds).
- through Defence Minister Peter Dutton, the government thought it was OK for ministers to hold secret \$1m accounts provided by faceless men and women – makes a change from sporting club rorts and parking spaces promised to electorates before elections.
- permitted 21 National MPs to dictate Australia's climate policy for the next 30 years to 205 other federal MPs who make up the federal parliament. The Nationals got to vote, in camera, for what they wanted...neither the Parliament nor the people got a vote. This is a triumph of political extortion by the few for the financial and corporate benefit of the squattocracy, mining companies, frackers and gassers, and the like.
- turned Australia into a nuclear nation, by ditching French submarines and choosing American nuclear ones. The nation is being softened up for nuclear power stations and the announcement of a huge nuclear waste dump on mostly Aboriginal land in South Australia. Not a single vote in federal parliament on any crucial changes to national policy.
- ASIO boss Michael Burgess beat the drums of terror once again. His drumset also includes reverberating fear promotion over "cyber security", which sounds a frightening prospect because no-one can ever tell you what it actually is, or isn't, or what it means to you, personally and individually.
- reduced, wound back, or diminished the rights of the "little people" in relation to forming a new political party; being treated fairly if you're an Australian soldier; ditto if you're seeking political or personal refuge in Australia; actually robbing federal prisoners of promised paroles; and subjecting us to random stop and search powers at the whim of police. (See below: 'Our rights erode...')

Is this the type of Australia we want? No, it isn't.

Firstly, we want our elected Parliamentarians to decide national policy. We don't want an Executive government comprising a handful of hardline ideologues of either side taking the nation nuclear, committing to wars, or taking the nation into inappropriate agreements...without consultation.

We don't want a 21-rump salute of rural and regional MPs, who represent about 2m people, dictating our future to the other 24 million of us who live in big cities and towns.

That is not "representative democracy" in anyone's language. It's even less fair when the rump demands extra funding to protect corporate interests that are already massively subsidised by incentives, allowances, tax breaks, free use of public infrastructure, discounts, waivers...and by being given nearly free access, comparatively, to the national resources of land and minerals and water and energy.

And we want the little guy treated fairly, whether citizen, soldier, refugee or prisoner. In fact, we want all citizens treated fairly, which is why we want an Australian Human Rights Act.

Quakers fight for Parl decisions on conflicts

"We will always seek peaceful approaches to resolving conflict," head of the national Quaker peace committee, Harold Wilkinson, said last month.

"The absence of robust debate and inclusion of the people's voices has led Australia to recent sustained military engagements which have not only cost Australian lives, but also allocated funding resources away from public priority areas such as health and education.

"In an era when counter-terrorism strategies are ongoing, there is likely to be increasing pressure on our government to commit special forces to 'secret' operations without proper transparency and authority by Parliament. We support the intent behind the Defence Amendment (Parliamentary Approval Overseas Service) Bill 2020, and anticipate that details to provide the legal authority to ensure democratic participation will be met.

"We especially favour the inclusion of provisions on regular reporting to Parliament on the status of any current military operations abroad – ideally with an opportunity for Parliamentary debate on those reports."

(The official name of the Quakers is the Religious Society of Friends (Quakers) in Australia)

Our rights erode every time federal parl sits

Federal parliament's Human Rights Committee (HRC) reports once or twice each session of parliament, but in arcane language. Here's a precis of some of their report No 12 of 2021, dated 20 October, putting some of their words into plainer English. You might also like to note the government's inappropriate naming of these new laws, which frequently achieve the opposite of what their title claims.

What type of parliament, what type of MP, would vote for some of these laws? CLA asks. That's the fundamental question that federal MPs need to ask themselves as the government proposes the following, according to the HRC:

- **Defence Amendment (Discipline Reform) Bill 2021**
Jail a soldier for up to two years for an offensive post on Facebook. Not compatible with the right to freedom of expression – the HRC wants the proposed law made more human rights compatible. No mention of jailing MPs for dangerous, health-risking postings on Facebook over Covid-19, which is surely a more heinous offence?
- **Electoral Amendment (Party Registration Integrity) Bill 2021**
Why should you need 1000 signatures to start a new political party, when until now we've only needed 500. The HRC says upping the number – which suits existing parties, of course – isn't consistent with the right to freedom of association or to participate in public affairs. Too late, MPs have passed this law in the interests of Labor, Liberal and National parties mainly. Who can create new party members as if by magic? The branch stackers who exist in all three major parties (and in other existing parties).
- **Migration Amendment (Merits Review) Regulations 2021**
The committee considers there to be a significant risk that the measure, which ups the application fee by 64% for review by

the Administrative Appeals Tribunal of certain migration decisions, means you are limiting the right to a fair hearing and denying an appeal to people who can't pay the application fee. The HRC asked for amendments to make the law more human rights compatible.

• **Crimes Amendment (Remission of Sentences) Bill 2021**

What sort of government, or nation, would deprive prisoners of remissions to sentences that they have already been granted? Australia, apparently. The HRC says the new law amounts to arbitrary deprivation of liberty.

We need a federal Human Rights Act so that these repeated political, government incursions into human rights have something to be measured against...and can then be thrown out as repressive.

All those crowds on the street protesting about their right to catch Covid-19, unvaccinated, never turn their attention to the regular erosion of human rights that occurs every time federal parliament sits.

Why we need a Human Rights Act

CLA's CEO Bill Rowlings was asked by a student journalist whether the nation needs a Human Rights Act. Here's his reply

"Every session of federal parliament, new laws pass that would not be as draconian if Australia had a federal Human Rights Act. Since the Twin Towers attack on the USA in September 2001, Australia has passed more than 100 laws that are supposedly anti-terrorists, but in fact apply equally to every single Australian.

"Similar laws continue to pass parliament with no benchmark of a Human Rights Act against which to measure them. For that reason, Australia's anti-terror laws and surveillance laws are the toughest, most repressive such laws in the western world, far worse than similar laws passed by the US, UK, Canada and NZ.

"There are – and there were, in 2001 – plenty of laws to protect public safety. It is a matter of police and security services doing their jobs properly, and using their intellects to capture people who commit crimes or who are plotting crimes. There are more than enough surveillance powers now to do just that. We don't need any more.

"Did you know police and spooks can plant a device on your computer, put up surveillance cameras next door to you, secretly log all your words, thoughts and movements? We live already in a world designed to make life easier for police and security, less private for each of us.

"What is needed is a thorough review of all laws passed since September 2001. They need to be wound back in how oppressive they are, consolidated into simply understood provisions, made fewer and more logical...and then be incorporated into the Crimes Act, where laws against criminal behaviour belong,"Rowlings said.

SIC again refuses to rein in police excesses

The federal parliament's SIC committee has given the green light to the AFP having massively excessive powers for another five years, basically to 2026...when they will likely be extended again.

The Security and Intelligence Committee (SIC) wants these "counter-terrorism powers" extended:

- stop, search and seizure powers (basically, bailing up anyone anytime for anything they like);
- the control order regime (locking people away from relatives, friends, workmates, etc without locking them up in jail); and
- the preventative detention order regime (locking people up in jail without having to convict them).

The SIC chair, Senator James Paterson, said the extension of these counter-terrorism powers would help protect Australians from the evolving threat of terrorism, claiming "18 potential or imminent terrorist attacks have been disrupted by law enforcement and security agencies since 2014 thanks to powers just like these." – SIC media release 211014.

Neither Patterson, nor SIC nor the AFP nor anyone else has ever given any details whatsoever of these 18 supposed hobgoblin attacks from which "they" have saved us.

(Note: The SIC committee is officially known as the Parliamentary Joint Committee on Intelligence and Security, PJCIS. 'SIC' is a much more appropriate moniker for it.)

Committee loses credibility for past 15 years

The credibility of the SIC committee (see above), never very high among some from civil liberties and human rights groups, took a nosedive last month when its longest-serving member revealed he has lacked the personal integrity to abide by Labor Party rules.

Anthony Byrne, the Member for Holt since 1999, personally paid cash to sign up to Labor people he didn't know, and allowed branch stacking – which is against ALP rules – operations from his electorate office.

"Labor leader Anthony Albanese has refused to say whether one of his MPs who admitted to branch stacking in Victoria before the state's anti-corruption watchdog should stand down," Nick Bonyhady and Lucy Cormack of *WA Today* reported.

"The MP for Holt, Anthony Byrne, told (Victoria's) Independent Broad-based Anti-corruption Commission (IBAC) he had paid for other people's party memberships as he turned whistleblower on what he described as a larger scheme of branch stacking led by former powerbroker Adem Somyurek." <https://tinyurl.com/354mchyx>

Somyurek, a former staffer of Byrne's who is no longer a member of the Victorian Parliament or of the Labor Party, has denied wrongdoing.

Byrne was late last month trying to cling on to "his" parliamentary seat in a desperate fight to save his political skin and his diminishing reputation.

He should have been sacked from the Security and Intelligence Committee long ago because his trustworthiness was shattered by the branch-stacking revelations made in 2019. Instead, it took him about two years to work out he should resign.



Federal Labor MP Anthony Byrne (right) has been well-regarded in Parliament for his work on intelligence and security. ALEX ELLINGHAUSEN

Too late...maybe 15 years too late

Byrne resigned from the SIC committee in mid-October 2021, saying "(the committee's) integrity should never be questioned", hence his resignation.

But, given the moral and ethical standards he has admitted to failing – in evidence under oath in the IBAC witness box – what

integrity standards was he applying during his 15-year tenure on the security and intelligence committee?

You would have to think his standard of integrity was uniform all this time.

'Chronic disease of corrupt activity': Grattan

For how long has he suffered from a "chronic disease" as he engaged in "corrupt industrial scale activity", as noted commentator Michelle Grattan described what Byrne was complicit in.

There was little doubt in 2019 that the branch-stacking revelations were accurate: the Independent Broad-based Anti-corruption Commission (IBAC) had video footage taken inside Byrne's office of what was occurring.

Grattan (photo) said, originally on *The Conversation*, then in an ABC article: <https://tinyurl.com/mhzc37db>

"The branch stacking in which Byrne engaged is the corrupt industrial-scale activity for which the Victorian ALP has been notorious over decades. It amounts to a chronic disease.



"Byrne and others paid the membership fees of people ("stackees" are mostly from ethnic communities) who were just numbers for Somyurek and the faction, doing what they were told (or being chased up if they didn't).

"Byrne admitted he even agreed to employ a couple of staff who just undertook factional work, and indeed didn't turn up in the office at all (despite being paid by the taxpayer).

"Anthony Albanese has diminished his own, and Labor's, credibility on integrity issues by declining to act immediately against Byrne," she said.

If Labor leader Albanese chooses to go to the next election with such a dead weight as Byrne around his neck, the Labor leader's personal and political judgement will be in serious doubt, CLA CEO Bill Rowlings said.

ODD SPOT: Byrne was good at dishing it out...

Anthony Byrne (see above) personally engineered that a wholly inappropriate censorious letter be tabled in parliament against CLA CEO Bill Rowlings

The Byrne-generated letter came about because the CLA CEO criticised – at a parliamentary committee hearing, and with photographic evidence – the poor perceptual and PR judgment of a former Inspector-General of Intelligence and Security (IGIS), Ian Carnell.

Carnell had chosen to attend a celebratory luncheon – and be photographed for an article published in the metropolitan daily newspaper – happily chomping and imbibing alongside six of the major Australian security agency chiefs, over most of whom Carnell was allegedly the "independent" arbiter of right and wrong.

Carnell's 'happy chappies' (they were all men) lunch attendance was inappropriate in perception terms, if nothing else, Rowlings told the SIC committee. (Rowlings, by the way, is co-author of a tertiary public relations textbook, so is formally qualified to speak and comment on PR and public perception matters).

Carnell – alerted by Byrne subsequent to the hearing – rejected the criticism.

But no such similar photo has appeared in the decade since. It seems whomever was/is the current IGIS has been more attuned to the importance of public perception and PR than Carnell...and Byrne.

Carnell was/is a personal friend of Byrne, hence the engineering by Byrne of a letter of indignation by Carnell

against Rowlings into the parliamentary record...where it sits still to this day, akin to a wrongful conviction, but unappealable.

14 missing years for the mystery man of Australian politics

Anthony Byrne emerged fully-fledged into politics with a 14-year gap in his career that has never been explained. Here is his parliamentary web page entry.

Personal:

Born 1.12.1962, Adelaide, Australia

Qualifications and occupation before Federal Parliament: Chief Executive Officer of the Anxiety Disorders Foundation of Australia from 1994 to 1996.

Adviser to Senator J Collins from 1996 to 1999.

There's a gap of some 14 years between 1980 and 1994, aged between 18 and 32, where Byrne's further education, occupation(s) and activities are a mystery.

Byrne, who is a "law and order" ideologue and has been described as a "national security hawk" has probably done more than any other Australian to instil a climate of fear of terrorism nationally. He has also encouraged and endorsed excessive laws for police and security services relating to surveillance, detention, national ID database and anti-privacy provisions, CLA believes.

As a hawk, he should never have been appointed to a committee whose role should be to rein in the excesses of "The Community", as the spooks call themselves.

He and Andrew Hastie, then chair of the SIC committee, ex SAS officer and Liberal (Canning, WA) were the prime movers in Australia (and even in the UK) of the anti-Huawei push against the private Chinese telecommunications company. The pair became fervent anti-Huawei evangelists after receiving intelligence briefings in Washington.

The foundations of Australia's ongoing wine, barley, etc trade difficulties with China were laid by Byrne and Hastie warnings against Australia contracting Huawei into the national telecommunications network. Australia was the first nation to take such a step.

Their criticisms of Huawei were based on CIA briefings which many people believe suited US commercial interests more than America's diplomatic pursuits...as has been proven by the passage of time.

It will be a decade or more before academics and authors have time to analyse Byrne's role as a member of the Labor Party in pushing Australia further to the right of politics locally and internationally.

– source ABS statistics for Corrective Services, Australia <https://tinyurl.com/2eyrv8dv>

A third of Australia's 43,000 prisoners have not been sentenced

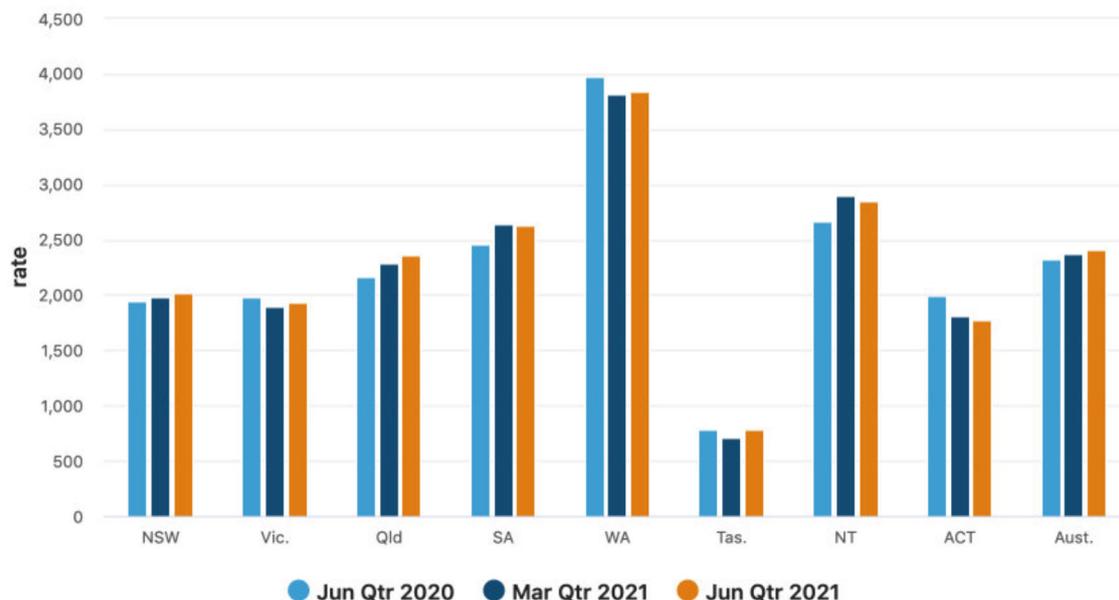
Some 43,000 prisoners were in Australian jails in July 2021, up 3% on a year earlier. About 35% are behind bars, but have not been sentenced by a court.

More than 25% are Indigenous prisoners (Indigenous people are about 3.3% of the Australian population).

WA's imprisonment rate per 100,000 Aboriginal and Torres Strait Island people is 3836, which is double the rate for Victoria. There is no reason for this anomaly, CLA says, other than that WA is Australia's most racist state with the most inappropriate laws, policing and sentencing policies towards Aboriginal people.

CLA proposes that the GST allocation for WA has \$100,000 per Indigenous WA prisoner deducted until the rate is within 2% of the rates for Victoria and NSW. Roughly, this would penalise WA about \$100 million in 2022. <https://tinyurl.com/2eyrv8dv>

Aboriginal and Torres Strait Islander imprisonment rate(a), By states and territories, Jun 2020, Mar 2021 and Jun 2021



Police officer who shot Aboriginal woman dead not guilty...of anything

A police officer who shot dead an Indigenous woman carrying a knife on a suburban West Australian street has been acquitted of murder and manslaughter. He faces no known internal charges or discipline at all, or prospect of training/re-training.

The first-class constable faced a three-week trial in the WA Supreme Court over the September 2019 killing of the 29-year-old woman, known as JC for cultural reasons.

After deliberating for three hours the jury found the officer, who can't be named for legal reasons, not guilty of JC's murder or of the lesser charge of manslaughter.

JC, a mother-of-one, had experienced significant mental health and drug problems and had recently been released from prison when she was shot dead in Geraldton.

Eight police officers had swarmed to the street where JC was seen carrying a large knife and a pair of scissors. Five stayed in their cars, a sixth left his vehicle unarmed and attempted to speak to JC, and another drew his Taser but did not activate it.

The court heard the accused officer got out of his car, drew his loaded firearm, and moved towards JC, shouting at her to drop a knife before firing a single shot at her abdomen from close range. He testified he had acted in self-defence, claiming JC had turned towards him and raised the knife before he pulled the trigger. <https://tinyurl.com/6sh44dze>

Significant questions arise from the death

Why did seven police effectively "stand back" and give an obviously distressed woman room, while one apparently moved in, yelling instructions and crowding her personal space?

Is the 7-1 split indicative of how WA Police officers approach Aboriginal people in day-to-day interactions? Put another way, do about 12.5% of WA Police (1 in 8) believe that the best way to handle Aboriginal people is to dominate them, yell at them, crowd them and take the earliest possible physical action towards them?

Nobody can say for certain whether that's the case. However, hugely disproportionate statistics for WA Police arresting and charging Aboriginal people, particularly juveniles, suggest there is some reason that some WA police see, perceive, assess, and

act differently when an Aboriginal person is involved compared to a white person being involved.

If that is true, WAPOL is a deeply racist police force, akin to the worst examples of the southern American states that we are used to hearing about.

Police Commissioner: 'Do as I say, not as I do'

After the above police officer was entirely acquitted of any wrong – no finding against him whatsoever, no disciplinary charges internally, no retraining required – WA Police Commissioner Chris Dawson created his own personal travesty of justice and morality by asking the Australian and WA people to "respect the decision".

"I appeal to leaders in our community, to lead by example," he said. "This is a time to respect the decision that the jury has come to in this matter, and for all people to remain calm."

<https://tinyurl.com/5adxb28n>

That is not – repeat, not – what his WA Police detectives have done, repeatedly, almost continuously. In most murder cases, they continue to claim they were right and the jury got it wrong.

For example, in the Lloyd Rayney case dating from 2007, then-DSS Jack Lee and DS Carlos Correia were still claiming, 10 years later in a defamation case against the state, that they believed Lloyd Rayney was guilty of killing his wife.

Rayney had been acquitted firstly by a solo Supreme Court judge, then by a full appeal court panel of three Supreme Court judges after the Crown appealed the original verdict.

But WAPOL officers would NOT accept the verdicts, either of them.

Why should citizens do what the Commissioner and police officers won't do?

Why, Commissioner Dawson, should the public accept verdicts which exonerate police officers if the police won't accept verdicts that exonerate citizens?

Neither you, who at one stage supervised the Rayney matter, nor the officers involved, nor WAPOL have ever apologised to Rayney for your incompetent investigation or your defamation, which cost the taxpayer millions. We remind you: you still have not found Corryn Rayney's killer.

<https://tinyurl.com/5adxb28n> How incompetent were the police in the Rayney matter?

2017 finding, defamation case: comment by judge:

There can be no doubt that the primary focus of the investigation was aimed at gathering evidence which might implicate the accused (Rayney) and there were aspects of the police conduct which, to say the least, were inappropriate and unacceptable. (699) page 331 [2017] WASC 367

Original trial:

Supreme Court judge Brian Martin, presided over Mr Rayney's murder trial. In his judgement, Martin found (then-Inspector) Lee had been "gravely in error in conveying a police view" that Mr Rayney was the prime and only suspect. He said it was a "serious departure from the proper standards of conduct expected of investigating officers".

Inspector Lee told the court he accepted the criticism, however he also testified he had not apologised to Rayney and had not "taken any steps to clarify or withdraw" his comments. <https://tinyurl.com/pyv6nku6>

ODD SPOT: Is WAPOL the world's most expensive police force, for defamation, pro rata?

Then Detective Senior Sergeant, now Inspector Lee's statements cost the people of WA \$2.6 million in defamation payments to Rayney. WA may not have the world's most competent police force, but it may have the most expensive, pro rata, in terms of Aboriginal incarceration, deaths and defamation.

A new law in WA allegedly targets Aboriginal people more than others

Aboriginal legal activists are challenging a year-old state law permitting keeping people locked up for life.

The High Risk Serious Offenders Act WA 2020 became law in June 2020, allowing the WA Supreme Court to keep people behind bars after their prison sentence ends.

Roe Legal Services is acting for Noongar man Peter Garlett, who has served three years and six months prison time for a 2017 aggravated armed robbery.

Despite it being Garlett's first offence as an adult, he is to be assessed under the High Risk Serious Offenders legislation as to whether he should be indefinitely detained.

Associate Professor at Curtin U. Law School and human rights lawyer, Dr Hannah McGlade, said the legislation sets an unusually low bar for indefinite detention. "It is very shocking and quite wrong, that we would as a society say that people who have committed robbery should never be released from prison," she said.

Roe Legal Services principal Paul Sheiner has written to federal Attorney General Michaelia Cash claiming the laws are incompatible with chapter 3 of the Australian Constitution because they "impose upon the institutional integrity" of the WA Supreme Court.

Sheiner says the law breaches the *Racial Discrimination Act* and so will lead the Supreme Court to make the same breaches. Under the new law, the court is required to consider earlier jailing, convictions and social disadvantage when making a decision about whether to indefinitely detain a person, conditions that disproportionately affect First Nations Peoples, he says. <https://tinyurl.com/22s7utps>

Jails full? No probs...just halve prisoner space

Queensland is nearly finished adding 2500 extra prisoners to its jails in three years by double-bunking in the same space.

It added 1000 in 2018, another 1000 in 2020 and is on its way to completing another 500 in 2021.

On the other side of the ledger, in the past financial year, prisons throughout Queensland rolled out mandatory online training (developed by the Qld Human Rights Commission) and the Human Rights and Critical Decision-Making face-to-face three-hour training package.

At 30 June 2021, 7094 QCS officers had completed the online training, including all new QCS recruits.

It's uncertain how well the training is doing: the QCS annual report revealed it had received 77 complaints that raised a human rights issue.

Police College gets 6th boss in two years

The troubled NT Police College has a new boss.

Commander Hege Burns has become the sixth change in the top role since November 2019, following the findings of an external audit that showed the college had failed national standards, sources have told the *NT Independent*.

NT Police media manager Rob Cross did not issue a media release about her promotion but the NT Police executive appeared to give the information as an exclusive announcement to the *NT News* on September 24, saying only that she had been made a commander, not what role she would be operating in.

She replaces Cmdr Danny Bacon who led the college in the past year.

In early June, the *NT Independent* revealed the police college had failed a 2017 external audit to gauge its compliance with national standards, failed to keep proper records and was still hiring unqualified instructors as late as October 2019.

Reece Kershaw, now Commissioner of the Australian Federal Police (AFP), was NT Police Commissioner when the college failed.

Kershaw has never explained his responsibility – or irresponsibility – for the failure.

The federal government has never explained why Kershaw was appointed national top cop with such a major blemish apparently in his recent background. If he was unable to ensure the police college met national standards, how could he be entrusted with the national policing standards in the AFP role?

NT Police commissioner Jamie Chalker admitted at NT Estimates hearings in June 2021 the police college had failed to meet national standards but that it was working towards addressing its non-compliance issues that saw unqualified instructors employed and recruits graduated before being properly assessed for competency. <https://tinyurl.com/44827zfa>

Beer quits police: alleged bullying...by police

NT Police assistant commissioner Dr Narelle Beer has resigned suddenly, the third top cop to quit in 2021.

Sources told the *NT Independent* that she felt "used" by the executive over the charging with murder of Constable Zach Rolfe in 2019.

They say that the assistant commissioner for regional and remote operations – she was in charge of police operations outside of Darwin and Palmerston – resigned suddenly on a Saturday and went on sick leave with no intention of returning.

"She was bullied by other executives," one source said. "None of them would speak to her. They would only send emails, and she was seeing all the abuse of power and can't stand it."

Ms Beer served just over three years, from September 2018, after 30 years with Victoria Police. Her last day officially was to be 2 November.

The NT has four assistant commissioner positions: there have been three resignations this year alone. <https://tinyurl.com/574xc7w6>

Rank and file want out

More Territory cops want a job outside the NT than ever before, according to the NT Police Association's 2021 member survey, with officers citing management issues as their reason for leaving.

Of more than 531 respondents, 60% or 318 police officers have either applied or are considering applying for a job outside of the NT Police, doubling attrition rates since last year. In another serious finding, 64% of officers surveyed said their morale is "low or very low".

Most officers raised concerns around the police force's current management, with more than 70% saying they were unhappy with the current direction of the NT Police Force, have issues with the leadership, and felt unsupported by senior/executive police management.

Nearly half cited the murder charges against Constable Zach Rolfe in the shooting death of Kumanjayi Walker in Yuendumu as their reason for wanting to leave the police force.

NT Police Association president Paul McCue said the union was not providing the statistics "to be divisive, or to create panic" saying that "the facts are the facts." McCue said the 2021 member survey will provide a clear direction leading into the union's contract negotiations in 2022. <https://tinyurl.com/3pchvu89>



ODD SPOT: Tas Police suffer foot-in-mouth disease

Barbara Etter, former pro bono lawyer for Sue Neill-Fraser and also a former Assistant Commissioner of WA Police, has received a formal apology from Tasmanian Police.

TASPOL, in a pinned post, apologised that a police office

holder posted on the TASPOL Facebook page that Etter was barred from practising law due to disciplinary action.

That is not true of course. Etter chose not to renew her practising certificate...and has no disciplinary action on her record as a lawyer over a couple of decades or as a police officer over several decades.

"Tasmanian Police accepts that the comment should have been immediately removed by the administrator of the Facebook site and apologises to Ms Etter for any distress that omission has caused her."

But no personal, hand-written apology yet from the Tas Police Commissioner Darren Hine, who sounded off in public through the media about errors in the Etter-Hugh Selby papers (see CLA website) which criticised in great detail previously unhighlighted failings of the Tasmanian police and DPP handling of investigations and prosecution of SNF.

A few days later, in a formal public hearing, Hine admitted he had not read the Etter-Selby papers when he made his derogatory public comments on them.

In other words, he was speaking from a position of pure ignorance...which is basically an excellent summary of the performance of Tasmanian police in the SNF investigation.

SNF out of solitary

Sue Neill-Fraser in mid-October was out of solitary confinement and back in the normal run of cottages at the Mary Hutchinson's Women's Prison at Risdon in Hobart.

She had been singled out for punishment for weeks for writing a simple article which outlined her day-to-day doings in jail, like how she helps other female inmates, runs a vegetable garden,

makes cards, writes letters and so on...nothing to do with giving away any detail of the running of the jail.

Prison authorities, who have to approve all prisoner incoming and outgoing mail BEFORE it reaches its destination, decided she should be punished for being a good writer.

For those who came in late – 12 years in jail late, that is – Sue is the woman wrongfully convicted for murdering her husband on the yacht they jointly owned (and jointly paid for), *Four Winds*, moored in Sandy Bay on the Derwent on Australia Day night in 2009.

No body has been found, allowing police and prosecutors to propose theories on what happened to husband Bob Chappell, where his body was taken...imaginary theories that were given credence in court by prosecution and judge claims.

Her second appeal, under a new appeal mechanism first initiated by CLA in Tasmania, was heard in early March 2021. At time of writing in late October, the three-judge appeal court has still not handed down its decision, nearly eight months after the appeal was heard.

Perhaps they are waiting until August 2022, when she will be entitled after 13 years in jail to apply for parole from the 23-year, entirely wrong and wholly excessive anyway, sentence.

Australian briefs

Cash exposes proposed privacy law

Attorney-General Michaelia Cash last month released an exposure draft of a Privacy Legislation Amendment (Enhancing Online Privacy and Other Measures) Bill 2021, which would enable creating a binding online privacy code for social media services, data brokers and other large online platforms operating in Australia. The AG's department also released a discussion paper as part of a broader review of the *Privacy Act 1988* (Privacy Act). The discussion paper builds on the work of the Online Privacy Bill. It tests proposals for broader reforms to Australia's privacy frameworks. The discussion paper follows extensive feedback on an [issues paper](#) released late last year. Written submissions on the Online Privacy Bill are due on 3 December 2021 and submissions to the discussion paper on 7 January 2022. <https://tinyurl.com/c6zfz7cn>

Now hear this..!!

Queensland's prisons have appointed a 'privacy champion' to improve Qld Corrective Services agency's privacy awareness. They plan to continuously "reinforce the expectations on information privacy and preservation of confidentiality through officer broadcasts". – QCS annual report 2020-2021, page 25

Which way for referendums?

The House of Representatives Standing Committee on Social Policy and Legal Affairs has been continuing public hearings as part of its inquiry into constitutional reform and referendums. Further information about the inquiry, including the terms of reference, is available on the inquiry webpage at: www.aph.gov.au/constitutionalreform While submissions are closed, you can read those of other people: CLA commends that of one of its members, Dr Bede Harris.

Another WA citizen shot dead by police

Another citizen was shot dead by WA Police last month. The state appears to suffer more deaths by police shooting than any other. This time, a man in suburban Gosnells is alleged to have become violent and lunged at the four police officers present with a knife. In most deaths by violence, police will give no precise details of what occurred: however, when a police officer has shot a civilian, there is always a senior WAPOL officer and usually a police association official also who gives graphic details of why the police officer acted as he/she did, thereby swaying public reporting of the case favourably towards the official version from the outset. <https://tinyurl.com/ymt6nsmr>

Police pay out \$11.7m for headlock hold

Chris Karadaglis is getting an \$11.7m payout from Victoria Police after three officers left him a quadriplegic in 2017 when they responded to a noise complain at his Warrnambool house, where he was home alone. Police put him in a headlock to his neck so forceful it severely injured his spine, he claimed, in a situation where he was not resisting arrest and posed no threat to the police. The officers will face court for the first time in November. <https://tinyurl.com/ykbbv3kh>

State sets up unit to help citizens with cyber security

NSW is setting up an identity support unit, a single point of call support, to make it easier for people to access help if their personal information or government proof of identity credentials are stolen or fraudulently obtained. In 2020, NSW committed \$240m to establish a regional cyber security hub in Bathurst, led the work for the first industry standards taskforce and introduced small and medium business targets for IT and communications expenditure across government. In 2021, the state has allocated an extra \$75m to small agencies for cyber security help. <https://tinyurl.com/yt9ykr36>

113 die in custody in Australia in a year

In Australia in 2019-20 there were 113 deaths in custody: 89 in prison custody and 24 in police custody or custody-related operations. An Australian Institute of Criminology report by Laura Doherty and Tom Sullivan, released last month, contains detailed information on these deaths and compares the findings to longer term trends. <https://tinyurl.com/k9cyd8ts>

Members' (and other) letters

Save our souls

The most important endangered species on the planet is us. – Rod Matthews, Melbourne, Vic, in *The Age*

CLA's main activities for October 2021

CLA Secretary Bill Rowlings has declared the result of the Special General Meeting held to decide whether to unincorporate, on the recommendation of the Board: the vote was 93% in favour, 7% against.

There were 155 votes for the proposal, 11 against. Just over 62% of the then-current membership voted.

CLA will move gradually to make the change at the end of calendar 2021 (CLA's operates its financial year to the calendar year).

There will be a full annual report for 2021, including a financial report, submitted to members and the ACT authorities.

Of course, CLA will be operating as strongly as ever in future, just under a different formal structure.

Western Australia

In WA, CLA Director Margaret Howkins and members are engaged in a broad-ranging, long-running project to capture the inequity, unfairness and abuse of human rights visited on citizens and prisoners throughout the state and across Australia.

There's an interview with long-term human rights campaigner Gerry Georgatos on suicide. There are many with former prisoners telling their real-life, personal stories. What's happening in WA is indicative of the out-of-sight, out-of-mind treatment of prisoners behind bars throughout Australia, prisoners say.

"It's Reality TV drawn from prisons involving real people, real stories," Howkins said. "These are the people the 'justice' system forgets, abandoning to forces of darkness, abuse and secret mistreatment from the petty to the preposterous," she said.

About 10 interviews will be produced, utilising volunteer advice from the production, filming and videoing expertise of a new CLA member.

WOSP: Watch Over Security and Police

CLA's new WOSP program is on hold for the moment. The program will adopt a closer, formal monitoring role on the activities of the police and security services in Australia.

There is no group currently dedicated to doing so of which we are aware; existing institutes and think-tanks have been set up largely to be pro-government authorities, whereas CLA's WOSP initiative aims to adopt a much more independent line.

The reason for the delayed work is that Dr Tony Murney, CLA WOSP Director, has been occupied fully in trying to find ways to bring Afghan police, security and forces staff and support personnel to Australia, to save their lives. Murney served three tours in Afghanistan, including as chief technical adviser on police professionalisation in Kabul, so he knows many people who served Australia and other allies and who are, along with their families, at great risk.

INTERNATIONAL

Warped politics: just another step to the right...

The pernicious effect of trying to be more right-wing than Donald Trump is turning parts of America into an awful place to live: attacks on women seeking abortion have now been followed by denying access to an anti-suicide hotline and information for young LGBTQ people.

A Texas state agency last month removed a website that listed a suicide hotline and resources for LGBTQ youth after a far-right Republican who is challenging Republican Governor Greg Abbott for re-election accused his administration of spreading "transgender ideology."

Don Huffines, a former state senator who plans to run against Abbott in the 2022 Republican primary, posted a video to *Twitter* criticising the governor over a webpage for the Texas Youth Connection, a division of the Texas Department of Family and Protective Services.

The page provided a number for a suicide prevention hotline and other resources to help LGBTQ kids under a section labeled "Gender Identity and Sexual Orientation." The state is responsible for these children: LGBTQ youth in foster care are three times more likely to report attempting suicide than those not in the system.

Huffines in the video accused Abbott appointees of publishing "very disturbing information." "They are promoting transgender sexual policies to Texas youth," he claimed. "These are not Texas values, these are not Republican values," he added. "But these are obviously Greg Abbott's values."

One commentator said Texas Republicans are so scared of their right-wing primary opponents that even the supposedly 'reasonable' ones become extremists anyway. <https://tinyurl.com/ta63wad9>

Police have killed twice as many as thought over past 40 years

Police killings in America have been undercounted by more than half over the past four decades, according to a new study that raises pointed questions about racial bias among medical examiners and highlights the lack of reliable national record keeping on what has become a major public health and civil rights issue.

The study, conducted by researchers at the U. of Washington and published on Thursday in *The Lancet*, a major British medical journal, amounts to one of the most comprehensive

looks at the scope of police violence in America, and the disproportionate impact on Black people.

Researchers compared information from a federal database known as the National Vital Statistics System, which collects death certificates, with recent data from three organisations that track police killings through news reports and public records requests. When extrapolating and modelling that data back decades, they identified a startling discrepancy: about 55% of fatal encounters with the police between 1980 and 2018 were listed as another cause of death.

Researchers estimated that over the time period they studied, which roughly tracks the era of the war on drugs and the rise of mass incarceration, nearly 31,000 Americans were killed by the police, with more than 17,000 of them going unaccounted for in the official statistics. The study also documented a stark racial gap: Black Americans were 3.5 times as likely to be killed by the police as white Americans were. <https://tinyurl.com/bmwe48w>

State of Colombia guilty of kidnap, torture, rape

The Colombian state is responsible for the kidnap, torture and rape of a prominent journalist, abducted while reporting on her country's civil war, according to a landmark ruling from the inter-American court of human rights.

Jineth Bedoya, who has sought justice for over 21 years, was recognised by the court as having suffered "grave verbal, physical and sexual aggressions" for which the state was responsible. Before now, three of her attackers had received sentences in Colombian courts in 2019.

Bedoya (pictured right with Michelle Obama and Hillary Clinton) said: "18 October 2021 goes down in history as the day when a fight – which began over an individual crime – led to the vindication of the rights of thousands of women who are victims of sexual violence, and of women journalists who leave a part of themselves in their work."



Jonathan Bock, director of Colombia's Foundation for Press Freedom (FLIP), which provided legal assistance to Bedoya, said: "This ruling sets a precedent that will remind governments that it is not possible to ignore violence against the press, and less that they can be tolerant of state agents who are perpetrators. This ruling gives society and female journalists the tools to make gender violence visible."

Bedoya was abducted on 25 May 2000, outside the Modelo prison in Bogotá, where she was due to interview an incarcerated paramilitary leader. She was drugged and driven hours outside the city, where she was tortured and gang-raped. <https://tinyurl.com/5af4ff9p>

ODD SPOT: End of US democracy nigh...or now

"[T]he reprieve that we experienced when Trump did in fact leave office ... will be quite brief.

"By 2022, or 2024 at the latest, we will see that the American political system has been hopelessly corrupted, with Republicans having successfully ended any serious prospect of honest political competition... it seems that we are merely waiting for the end..."

"We were never by any means a perfect constitutional democracy (having only had something roughly resembling widespread voting rights for about the last 56 years, among other obvious flaws) ..." — Prof Neil Buchanan <https://>

tinyurl.com/3fywxnzn Buchanan is a US public commentator on the state of the American nation, and is an Economics and Law PhD in Florida. He gained his Law PhD at Monash U in Australia. – provided to CLA by Roger Fitch Esq, Washington correspondent to *Justinian* law blog.

Sex on the sly, under cover

Five undercover police officers who infiltrated UK political groups in the 1970s and 1980s have been allowed to give evidence in secret to a public inquiry, leading to accusations that police are being allowed to cover up any wrongdoing. They include two officers who admit that they had sexual relationships with women using their fake identities during their deployments. It appears that the secrecy will prevent those women from finding out what happened to them.

The decision to allow the undercover officers to give their evidence behind closed doors has been taken by Sir John Mitting, the retired judge leading the inquiry.

The long-running inquiry has been given the task of examining the activities of 139 undercover officers who spied on more than 1000 political groups for more than four decades from 1968.

The government was forced to set up the inquiry in 2014 after a series of revelations about how the undercover officers monitored grieving families, deceived women into long-term sexual relationships and stole the identities of dead children. <https://tinyurl.com/zc46ccz8>

Snakey husband to serve two life terms for viper-cobra murder

An Indian man who used a cobra and a viper to murder his wife has been handed a double life sentence.

Sooraj Kumar, 28, set loose a highly venomous Russell's viper snake on his wife Uthra that left her in hospital for almost two months, prosecutors in the southern Kerala state said.

While she recovered at her parents' house, he obtained a cobra from a snake handler and threw it at his sleeping wife. Its poisonous bite killed the 25-year-old woman in May 2020.

Uthra's parents raised suspicions, alleging that their daughter was being harassed for more dowry. The woman's parents said Kumar tried to take control of her property after the death.

The court in Kollam district held Kumar guilty of murder and poisoning his wife, and of making an earlier attempt to kill her using a Russell's viper.

Judge M Manoj sentenced Kumar to two consecutive life sentences, but did not accept the prosecution demand for capital punishment considering his age and opportunity to reform, local media reported. <https://tinyurl.com/54rbc8jw>

Ring. Ring. Please don't surveil at all?

(apologies to ABBA)

An Amazon Ring doorbell owner may have to pay up to \$185,000 in fines after a neighbour brought a legal action against use of the "smart" video device, claiming it encroached on her privacy and kept her under surveillance.

Dr Mary Fairhurst of Thame, Oxfordshire, said she was eventually forced to leave her home due to the presence of the personal CCTV devices and ensuing conflict with her neighbour, Jon Woodward. He had the doorbell on his front door as well as a number of home security video devices set up around his home.

Judge Melissa Clarke said that Mr Woodward's use of the smart doorbell device and other personal CCTV items had breached data protection laws. He had mounted several audio-visual surveillance devices facing out onto communal areas outside his and Dr Fairhurst's home.

Woodward faces a compensation fine of up to \$185,000 for a breach of the Data Protection Act 2018 in possessing photographs and video of Dr Fairhurst which have been ruled as her own personal data.

Judge Melissa Clarke stated in the Fairhurst v Woodward judgement: "I am satisfied that the extent of range to which these devices can capture audio is well beyond the range of video that they capture, and in my view cannot be said to be reasonable for the purpose for which the devices are used by the defendant, since the legitimate aim for which they are said to be used, namely crime prevention, could surely be achieved by something less.

"A great deal of the purpose could be achieved without audio at all, as is the case with the bulk of CCTV systems in use in public places in this country, or by a microphone that only picks up sound within a small diameter of the device." <https://tinyurl.com/2z8ykjek>

'Eating their young', says 'retiring' Lord of the Chariots about social media

David Puttnam, among many other major achievements the producer of the Academy Award-winning film *Chariots of Fire*, has just retired from the House of Lords where he was Baron Puttnam of Queensgate, after some 50 years of public service.

Here's an excerpt from his final major speech:

"What the principal shareholders of the social media companies know is that the type of adjustments that could be made to their algorithms are likely to adversely impact their 'reach', and therefore their revenues.

"The founders of these companies, even the best of them, cannot find it in themselves to confront their shareholders with the consequent reduction in 'market value'. So, despite the fact that they know exactly what they could do to tweak their algorithms, and make them safer, they concoct the same stream of misinformation they facilitate on a daily basis, to protect what is already a dysfunctional business model.

"This is capitalism quite literally eating its young.

"If you want further evidence, and have one minute 40 seconds to spare, go on to *YouTube*. There you can search for and easily find the evidence given before the Congress in 1994 by the US tobacco barons – swearing on oath that nicotine was not harmful, and there was no relationship between nicotine and poisoning. Three years later that issue was settled with a fine-payment of over \$200 billion, but no acknowledgement of personal responsibility.

"To me, we are heading down exactly the same road with the social media companies. At the time of that congressional hearing every one of those men had, for 15 years, received all the evidence they could possibly need to know that cigarettes were in effect 'nicotine delivery tubes', responsible for the death of thousands of people a year."

Gbay prisoner may be freed after 14 years

A US judge has ruled the USA has no legal basis for holding an Afghan man at the notorious US prison camp at Guantanamo Bay, Cuba, setting the stage for his potential release, his lawyer told *Al Jazeera*. Asadullah Haroon Gul, an Afghan national, has been held at Guantanamo since June 2007 after being captured in Jalalabad by Afghan forces and turned over to the US military.

US District Court Judge Amit Mehta, ruling on a petition of habeas corpus, has rejected the US government's arguments for continuing to hold Gul in detention at Guantanamo. "The outcome of the petition was that it was granted," said Tara Plochocki, Gul's lawyer who said she was "delighted" by the judge's ruling.

Gul was held for 14 years at Guantanamo without charge and denied access to a lawyer for the first nine years of his detention, according to Reprieve, a US legal advocacy group. In 2016, his lawyers filed a petition in federal court in Washington DC, arguing his detention was unlawful.

Details of the judge's ruling are classified as secret for the time being but Gul's lawyer said the result is clear. <https://tinyurl.com/4rtd39wk>

International briefs

Women exposed to harassment

English and Welsh police recorded 10,775 cases of "exposure and voyeurism" in the year to March 2020: just 594 suspects were taken to court, resulting in 435 guilty verdicts, Ministry of Justice figures for 2020 reveal. A report from the police inspectorate said 50% of women who responded to a public survey said they felt unsafe in public spaces, while Office for National Statistics found that two out of three British women aged 16 to 34 had experienced harassment in the previous 12 months, and 29% felt as if they were being followed. (Similar national statistics are not available for Australia). <https://tinyurl.com/5vnmkmmh>

2000 police on sexual misconduct charges

The UK's *Channel 4* has found, through FOI, that 2000 police officers have been accused of sexual misconduct over the past four years. Extensive research by Dr Terri Cole, principal academic in forensic psychology at Bournemouth University, suggests a third of cases involve sexual relationships with victims or witnesses. "The women targeted seem to be the most vulnerable," says Cole. "They are often victims of domestic abuse. Others are victims of sexual assault or have some kind of mental health problem." The next most common area of police misconduct is abuse of colleagues. Other charges include child sex offences and rape. <https://tinyurl.com/fe44uvbm>

Vax passport fails: travel stops

People in the UK were left frustrated for several hours last month as electronic vaccination passport users were unable to prove their Covid vax status at airport check-ins, meaning many were unable to board flights. Others were turned away from venues that require evidence that people have been double-jabbed. Although the National Health Service app was restored after about four hours, the outage highlighted the problems of a single centralised system. In an era when people expect their online accounts to work instantly, a single government-run app briefly falling offline can in effect close international travel for most people. <https://tinyurl.com/vah9zyp6>

Swiss catch up

Switzerland has voted to legalise marriage for same-sex couples. The Swiss federal chancellery said 64.1% of voters approved same-sex marriage in a nationwide referendum. The first Swiss same-sex marriages should take place from 1 July 2022. <https://tinyurl.com/y2vmhp2y>

ODD SPOT: A doozie..which right comes out trumps?

Thought you might be interested in this very strange 7th circuit case in the US where the various rights – gender, sex, race and religion – all run into each other. <https://www.courthousenews.com/prison-strip-search-case-pits-religious-rights-against-transgender-rights/>

'Red' notices on the nose

Interpol is under fire for allowing repressive nations to issue 'red' notices under which named people can be arrested on landing at any airport worldwide. According to the US rights organisation Freedom House, Russia is responsible for 38% of

all public red notices. Interpol issued nearly 12,000 notices in 2020, up from 1200 in 2000. In 2008 A Bahraini footballer Hakeem el-Araibi ,who was a political refugee in Australia. was arrested when he landed in Thailand on his honeymoon. His offence in Bahrain? Vandalism, which was a politically trumped up charge, but that did not stop him spending 76 days in Thai jails before Australia gained his release as a refugee claimant. Interpol, the international policing support organisation, turns 100 in 2023. Major reform in Interpol's philosophy, structure and operations is needed, CLA says. <https://tinyurl.com/2yahsw3h>

DATES:

2021:

10 Dec, World: International Human Rights Day. Release of new push for update of ACT Human Rights Act to apply from 2024, the 20th anniversary of the HRA in Australia, which came into effect on 1 July 2004.

2022:

16-18 Feb, Canberra: As part of the ANU's 75th anniversary and belatedly the [60th anniversary of ANU Law](#) and the 30th anniversary of the [Centre for International and Public Law](#) (CIPL), Prof Megan Davis of UNSW will deliver the annual ANU Geoffrey Sawer Lecture. Guest speakers to include Prof Julie Suk of Fordham U. School of Law New York and Prof Asmi Wood of ANU speaking on 'Love and Equality'.. <https://tinyurl.com/vfmsqaz>

21-23 Feb, Sunshine Coast Qld: 2022 National Indigenous Youth Justice conference. <https://www.icsconferences.org>

10 May, Adelaide: 50th anniversary of the death by drowning of law lecturer Dr George Ian Ogilvie Duncan, thrown into Torrens River by a group believed to be police officers. Led to SA enacting the first homosexual law reform act in Australia.

CLArion is the monthly e-newsletter of Civil Liberties Australia A04043, Box 3080 WESTON CREEK ACT 2611 Australia. Responsibility for election comment in *CLArion* is taken by CLA's Public Officer, Bill Rowlings, of Fisher, ACT. Please feel free to report or pass on items in *CLArion*, crediting CLA and/or the original source. We welcome contributions for the next issue: please send to: [Secretary\(at\)cla.asn.au](mailto:Secretary(at)cla.asn.au) Closing date for this issue was 26 October 2021.

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